

106TH CONGRESS
1ST SESSION

H. R. 3514

To amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1999

Mr. GREENWOOD (for himself, Mr. BILIRAKIS, Mr. PORTER, Mr. SHAYS, Mr. LANTOS, Mrs. JOHNSON of Connecticut, Mr. BONIOR, Mr. COBURN, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. TRAFICANT, Mr. McCRERY, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, Ms. BERKLEY, Mr. CAPUANO, Mr. DELAHUNT, Mrs. MALONEY of New York, Mr. RAHALL, Ms. SCHAKOWSKY, Mr. UDALL of Colorado, and Mr. WEINER) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chimpanzee Health
5 Improvement, Maintenance and Protection Act”.

1 **SEC. 2. ESTABLISHMENT OF NATIONAL SANCTUARY SYS-**
2 **TEM FOR FEDERALLY OWNED OR SUP-**
3 **PORTED CHIMPANZEES NO LONGER NEEDED**
4 **FOR RESEARCH.**

5 Subpart 1 of part E of title IV of the Public Health
6 Service Act (42 U.S.C. 287 et seq.) is amended by insert-
7 ing after section 481B the following section:

8 “SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES

9 “SEC. 481C. (a) IN GENERAL.—The Secretary shall
10 provide for the establishment and operation in accordance
11 with this section of a system to provide for the lifetime
12 care of chimpanzees that have been used, or were bred
13 or purchased for use, in research conducted or supported
14 by the National Institutes of Health, the Food and Drug
15 Administration, or other agencies of the Federal Govern-
16 ment, and with respect to which it has been determined
17 by the Secretary that the chimpanzees are not needed for
18 such research (in this section referred to as ‘surplus chim-
19 panzees’).

20 “(b) ADMINISTRATION OF SANCTUARY SYSTEM.—
21 The Secretary shall carry out this section, including the
22 establishment of regulations under subsection (d), in con-
23 sultation with the board of directors of the nonprofit pri-
24 vate entity that receives the contract under subsection (e)
25 (relating to the operation of the sanctuary system).

1 “(c) ACCEPTANCE OF CHIMPANZEES INTO SYS-
2 TEM.—All surplus chimpanzees owned by the Federal
3 Government shall be accepted into the sanctuary system.
4 Subject to standards under subsection (d)(3), any surplus
5 chimpanzee that is not owned by the Federal Government
6 shall be accepted into the system if the owner transfers
7 to the sanctuary system title to the chimpanzee.

8 “(d) STANDARDS FOR PERMANENT RETIREMENT OF
9 SURPLUS CHIMPANZEES.—

10 “(1) IN GENERAL.—The Secretary shall by reg-
11 ulation establish standards for operating the sanc-
12 tuary system to provide for the permanent retire-
13 ment of surplus chimpanzees. In establishing the
14 standards, the Secretary shall consider the rec-
15 ommendations of the National Research Council ap-
16 plicable to surplus chimpanzees that are made in the
17 report published in 1997 and entitled ‘Chimpanzees
18 in Research—Strategies for Their Ethical Care,
19 Management, and Use’.

20 “(2) CHIMPANZEES ACCEPTED INTO SYSTEM.—
21 With respect to chimpanzees that are accepted into
22 the sanctuary system, standards under paragraph
23 (1) shall include the following:

24 “(A) A prohibition that the chimpanzees
25 may not be used for research. This subpara-

graph does not prohibit noninvasive behavioral studies of the chimpanzees, or medical studies conducted during the course of normal veterinary care that is provided for the benefit of the chimpanzees.

“(B) Provisions regarding the housing of the chimpanzees.

“(C) Provisions regarding the behavioral well-being of the chimpanzees.

“(D) A requirement that the chimpanzees be cared for in accordance with the Animal Welfare Act.

“(E) A requirement that the chimpanzees be prevented from breeding.

“(F) A requirement that complete histories be maintained on the health and use in research of the chimpanzees.

“(G) A requirement that the chimpanzees be monitored for the purpose of promptly detecting the presence in the chimpanzees of any condition that may be a threat to the public health.

“(H) A requirement that chimpanzees posing such a threat be contained in accordance with applicable recommendations of the Direc-

1 tor of the Centers for Disease Control and Pre-
2 vention.

3 “(I) A prohibition that none of the chim-
4 panzees may be subjected to euthanasia, except
5 as in the best interests of the chimpanzee in-
6 volved, as determined by the system and an at-
7 tending veterinarian.

8 “(J) A prohibition that the chimpanzees
9 may not be discharged from the system.

10 “(K) A provision that the Secretary may,
11 in the discretion of the Secretary, accept into
12 the system chimpanzees that are not surplus
13 chimpanzees.

14 “(L) Such additional standards as the Sec-
15 retary determines to be appropriate.

16 “(3) NON-FEDERAL CHIMPANZEES OFFERED
17 FOR ACCEPTANCE INTO SYSTEM.—With respect to a
18 surplus chimpanzee that is not owned by the Federal
19 Government and is offered for acceptance into the
20 sanctuary system, standards under paragraph (1)
21 shall include the following:

22 “(A) A provision that the Secretary may
23 authorize the imposition of a fee for accepting
24 such chimpanzee into the system, except as fol-
25 lows:

1 “(i) Such a fee may not be imposed
2 for accepting the chimpanzee if, on the day
3 before the date of the enactment of the
4 Postresearch Chimpanzee Care Act, the
5 chimpanzee was owned by the nonprofit
6 private entity that receives the contract
7 under subsection (e).

8 “(ii) Such a fee may not be imposed
9 for accepting the chimpanzee if the chim-
10 panzee is owned by an entity that operates
11 a primate center, and if the chimpanzee is
12 housed in the primate center pursuant to
13 the program for regional centers for re-
14 search on primates that is carried out by
15 the National Center for Research Re-
16 sources.

17 Any fees collected under this subparagraph are
18 available to the Secretary for the costs of oper-
19 ating the system. Any other fees received by the
20 Secretary for the long-term care of chimpanzees
21 (including any Federal fees that are collected
22 for such purpose and are identified in the re-
23 port under section 3 of the Postresearch Chim-
24 panzee Care Act) are available for operating the
25 system, in addition to availability for such other

1 purposes as may be authorized for the use of
2 the fees.

3 “(B) A provision that the Secretary may
4 deny such chimpanzee acceptance into the sys-
5 tem if the capacity of the system is not suffi-
6 cient to accept the chimpanzee, taking into ac-
7 count the physical capacity of the system; the
8 financial resources of the system; the number of
9 individuals serving as the staff of the system,
10 including the number of professional staff; the
11 necessity of providing for the safety of the staff
12 and of the public; the necessity of caring for ac-
13 cepted chimpanzees in accordance with the
14 standards under paragraph (1); and such other
15 factors as may be appropriate.

16 “(C) A provision that the Secretary may
17 deny such chimpanzee acceptance into the sys-
18 tem if a complete history of the health and use
19 in research of the chimpanzee is not available to
20 the Secretary.

21 “(D) Such additional standards as the Sec-
22 retary determines to be appropriate.

23 “(e) AWARD OF CONTRACT FOR OPERATION OF SYS-
24 TEM.—

1 “(1) IN GENERAL.—Subject to the availability
2 of funds pursuant to subsection (g), the Secretary
3 shall make an award of a contract to a nonprofit
4 private entity under which the entity has the respon-
5 sibility of operating (and establishing, as applicable)
6 the sanctuary system.

7 “(2) REQUIREMENTS.—The Secretary may
8 make an award under paragraph (1) to a nonprofit
9 private entity only if the entity meets the following
10 requirements:

11 “(A) The entity has a governing board of
12 directors that is composed and appointed in ac-
13 cordance with paragraph (3) and is satisfactory
14 to the Secretary.

15 “(B) The terms of service for members of
16 such board are in accordance with paragraph
17 (3).

18 “(C) The members of the board serve with-
19 out compensation. The members may be reim-
20 bursed for travel, subsistence, and other nec-
21 essary expenses incurred in carrying out the du-
22 ties of the board.

23 “(D) The entity has an executive director
24 meeting such requirements as the Secretary de-
25 termines to be appropriate.

1 “(E) The entity makes the agreement de-
2 scribed in paragraph (4) (relating to non-Fed-
3 eral contributions).

4 “(F) The entity agrees to comply with
5 standards under subsection (d).

6 “(G) The entity agrees to make necropsy
7 reports on chimpanzees in the sanctuary system
8 available on a reasonable basis to persons who
9 conduct biomedical or behavioral research, with
10 priority given to such persons who are Federal
11 employees or who receive financial support from
12 the Federal Government for research.

13 “(H) Such other requirements as the Sec-
14 retary determines to be appropriate.

15 “(3) BOARD OF DIRECTORS.—For purposes of
16 subparagraphs (A) and (B) of paragraph (2):

17 “(A) The governing board of directors of
18 the nonprofit private entity involved is com-
19 posed and appointed in accordance with this
20 paragraph if the following conditions are met:

21 “(i) Such board is composed of not
22 more than 15 voting members.

23 “(ii) Such members include individ-
24 uals with expertise and experience in the
25 science of managing captive chimpanzees

1 (including primate veterinary care), ap-
2 pointed from among individuals endorsed
3 by organizations that represent individuals
4 in such field.

5 “(iii) Such members include individ-
6 uals with expertise and experience in the
7 field of animal protection, appointed from
8 among individuals endorsed by organiza-
9 tions that represent individuals in such
10 field.

11 “(iv) Such members include individ-
12 uals with expertise and experience in the
13 zoological field (including behavioral pri-
14 matology), appointed from among individ-
15 uals endorsed by organizations that rep-
16 resent individuals in such field.

17 “(v) Such members include individuals
18 with expertise and experience in the field
19 of the business and management of non-
20 profit organizations, appointed from
21 among individuals endorsed by organiza-
22 tions that represent individuals in such
23 field.

24 “(vi) Such members include represent-
25 atives from entities that provide accredita-

1 tion in the field of laboratory animal medi-
2 cine.

3 “(vii) Such members include individ-
4 uals with expertise and experience in the
5 field of containing biohazards.

6 “(viii) Such members include an addi-
7 tional member who serves as the chair of
8 the board, appointed from among individ-
9 uals who have been endorsed for purposes
10 of clause (ii), (iii), (iv), or (v).

11 “(ix) None of the members of the
12 board has been fined for a violation of the
13 Animal Welfare Act.

14 “(B) The terms of service for members of
15 the board of directors are in accordance with
16 this paragraph if the following conditions are
17 met:

18 “(i) The term of the chair of the
19 board is three years.

20 “(ii) The initial members of the board
21 select, by a random method, one member
22 from each of the six fields specified in sub-
23 paragraph (A) to serve a term of two years
24 and (in addition to the chair) one member

1 from each of such fields to serve a term of
2 three years.

3 “(iii) After the initial terms under
4 clause (ii) expire, each member of the
5 board (other than the chair) is appointed
6 to serve a term of two years.

7 “(iv) An individual whose term of
8 service expires may be reappointed to the
9 board.

10 “(v) A vacancy in the membership of
11 the board is filled in the manner in which
12 the original appointment was made.

13 “(vi) If a member of the board does
14 not serve the full term applicable to the
15 member, the individual appointed to fill the
16 resulting vacancy is appointed for the re-
17 mainder of the term of the predecessor
18 member.

19 “(4) REQUIREMENT OF MATCHING FUNDS.—
20 The agreement required in paragraph (2)(E) for a
21 nonprofit private entity (relating to the award of the
22 contract under paragraph (1)) is an agreement that,
23 with respect to the costs to be incurred by the entity
24 in establishing and operating the sanctuary system,
25 the entity will make available (directly or through

1 donations from public or private entities) non-Fed-
2 eral contributions toward such costs, in cash or in
3 kind, in an amount not less than the following, as
4 applicable:

5 “(A) For expenses associated with estab-
6 lishing the sanctuary system (as determined by
7 the Secretary), 10 percent of such costs (\$1 for
8 each \$9 of Federal funds provided under the
9 contract under paragraph (1)).

10 “(B) For expenses associated with oper-
11 ating the sanctuary system (as determined by
12 the Secretary), 25 percent of such costs (\$1 for
13 each \$3 of Federal funds provided under such
14 contract).

15 “(5) ESTABLISHMENT OF CONTRACT ENTITY.—

16 If the Secretary determines that an entity meeting
17 the requirements of paragraph (2) does not exist,
18 the Secretary may for purposes of paragraph (1)
19 make a grant for the establishment of such an enti-
20 ty, including paying the cost of incorporating the en-
21 tity under the law of one of the States.

22 “(f) DEFINITIONS.—For purposes of this section:

23 “(1) The term ‘permanent retirement’, with re-
24 spect to a surplus chimpanzee, means that the chim-
25 panzee has been accepted into the sanctuary system,

1 that under subsection (a) the system provides for
2 the lifetime care of the chimpanzee, that under sub-
3 section (d)(2) the system does not permit the chim-
4 panzee to be used in research or to be euthanatized
5 (except as provided in subsection (d)(2)(I)), that
6 under such subsection the system will not discharge
7 the chimpanzee from the system, and that under
8 such subsection the system otherwise cares for the
9 chimpanzee.

10 “(2) The term ‘sanctuary system’ means the
11 system described in subsection (a).

12 “(3) The term ‘surplus chimpanzees’ has the
13 meaning indicated for such term in subsection (a).

14 “(g) FUNDING.—

15 “(1) IN GENERAL.—Of the amount appro-
16 priated under this Act for fiscal year 2001 and each
17 subsequent fiscal year, the Secretary, subject to
18 paragraph (2), shall reserve a portion for purposes
19 of the operation (and establishment, as applicable)
20 of the sanctuary system and for purposes of para-
21 graph (3), except that the Secretary may not for
22 such purposes reserve any further funds from such
23 amount after the aggregate total of the funds so re-
24 served for such fiscal years reaches \$30,000,000.

25 The purposes for which funds reserved under the

1 preceding sentence may be expended include the con-
2 struction and renovation of facilities for the sanc-
3 tuary system, subject to section 496(b).

4 “(2) LIMITATION.—Funds may not be reserved
5 for a fiscal year under paragraph (1) unless the
6 amount appropriated under this Act for such year
7 equals or exceeds the amount appropriated under
8 this Act for fiscal year 1999.

9 “(3) USE OF FUNDS FOR OTHER COMPLIANT
10 FACILITIES.—With respect to amounts reserved
11 under paragraph (1) for a fiscal year, the Secretary
12 may use a portion of such amounts to make awards
13 of grants or contracts to public or private entities
14 operating facilities that provide for the retirement of
15 chimpanzees in accordance with the same standards
16 that apply to the sanctuary system pursuant to reg-
17 ulations under subsection (d)(2). Such an award
18 may be expended for the expenses of operating the
19 facilities involved.”.

20 **SEC. 3. REPORT TO CONGRESS REGARDING NUMBER OF**
21 **CHIMPANZEES AND FUNDING FOR CARE OF**
22 **CHIMPANZEES.**

23 With respect to chimpanzees that have been used, or
24 were bred or purchased for use, in research conducted or
25 supported by the National Institutes of Health, the Food

1 and Drug Administration, or other agencies of the Federal
2 Government, the Secretary of Health and Human Services
3 shall, not later than 365 days after the date of the enact-
4 ment of this Act, submit to the Congress a report pro-
5 viding the following information:

6 (1) The number of such chimpanzees in the
7 United States, whether owned or held by the Federal
8 Government, any of the States, or private entities.

9 (2) An identification of any requirement im-
10 posed by the Federal Government that, as a condi-
11 tion of the use of such a chimpanzee in research by
12 a non-Federal entity—

13 (A) fees be paid by the entity to the Fed-
14 eral Government for the purpose of providing
15 for the care of the chimpanzee (including any
16 fees for long-term care); or

17 (B) funds be provided by the entity to a
18 State, unit of local government, or private enti-
19 ty for an endowment or other financial account
20 whose purpose is to provide for the care of the
21 chimpanzee (including any funds provided for
22 long-term care).

23 (3) An accounting for fiscal years 1999 and
24 2000 of all fees paid and funds provided by non-

1 Federal entities pursuant to requirements described
2 in subparagraphs (A) and (B) of paragraph (2).

3 (4) In the case of such fees, a specification of
4 whether the fees were available to the Secretary (or
5 other Federal officials) pursuant to annual appro-
6 priations Acts or pursuant to permanent appropri-
7 ations.

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